

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SOUTH POINT, INC.,

Plaintiff,

v.

ORDER
07-CV-576A

JAMES M. KRAWCZYK, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On January 25, 2008, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendant's motion to dismiss be denied and the removed action be remanded to the New York State Supreme Court.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendant's motion to dismiss is denied and the action is remanded to New York State Supreme Court.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: February 14, 2008